CONFERENCE ON DISARMAMENT

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FINAL RECORD OF THE EIGHT HUNDRED AND EIGHTY-SIXTH PLENARY MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 4 September, at 10.15 a.m.

President: Mr. Roberto Betancourt Ruales (Ecuador)

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The PRESIDENT (translated from Spanish): I declare open the 886th plenary meeting of the Conference on Disarmament.

I should like at the outset, on behalf of the Conference, to extend a warm welcome to the participants in the 2001 United Nations Disarmament Fellowship and Training Programme who are observing the proceedings of this plenary. I am sure they will benefit from exposure to our forum, and especially from the presentations that will be made to them on various aspects of our work. I wish them a fruitful stay in Geneva.

I should also like to remind you that, immediately following this plenary meeting, we shall hold an informal plenary to start consideration of our draft annual report to the United Nations General Assembly, which is contained in document CD/WP.520.

I have on my list of speakers for today the representative of the United States of America, Ambassador Robert Grey, and the representative of India, Ambassador Rakesh Sood.

I now give the floor to the representative of the United States, Ambassador Robert Grey.

Mr. GREY (United States of America): Since this is the first time I shall be speaking during your presidency, let me congratulate you upon your assumption of the office and on the very effective way you are carrying out your duties.

Mr. President, the United States delegation listened with great attention to the statement delivered on 30 August by the distinguished representative of the People's Republic of China. In that statement, Ambassador Hu attached great importance to preserving, protecting, and defending the Treaty on the Limitation of Anti-Ballistic Missile Systems that representatives of the United States of America and the Union of Soviet Socialist Republics signed in Moscow on 26 May 1972 - as if that treaty were holy writ. In contrast, the United States will not presume to analyse the various bilateral treaties that China concluded during the decade of the 1970s. Nor shall we offer China our advice on preserving, protecting, and defending any of those bilateral treaties that it concluded two to three decades ago.

But Mr. President, in diplomacy, as in real life, things that do not continue to evolve and grow ultimately are doomed to decline and die.

The ABM Treaty, as it stands, really has become a relic. In terms of its real meaning, it bespoke a balance of terror, a cold-war calculation that the physical security and ultimate fate of hundreds of millions of human beings had to be held hostage to the prospect of instant annihilation. That intense irony, that palpable contradiction, may have been necessary at that time. It is not necessary now. It has been 10 years since the cold war ended.

(Mr. Grey, United States of America)

The United States and the Russian Federation need to work out a new security framework. President Bush and President Putin have launched this process, and we hope that our ongoing dialogue will be fruitful.

Some people may find it comfortable to live in the past. We Americans choose to embrace the future.

For almost 30 years, offensive missiles were thought to be effectively irresistible. The total and exclusive reliance on "mutual assured destruction" was indeed MAD, as implied by the abbreviation we concocted then and still use now.

We realize that the principle of nuclear deterrence will remain important for strategic stability for many years to come. There can be no doubt about that. But we need to move beyond MAD and continue to make substantial reductions in the number of offensive nuclear weapons.

Yesterday's doctrines will not bring us the tomorrow to which we and the other four nuclear-weapons States committed ourselves in article VI of the Non-Proliferation Treaty - a world free from nuclear weapons.

The United States fully understands that missile defence has significant implications for China and for many other members of the international community. But we find it difficult to understand how defensive measures can be considered threatening. That is upside down and amounts to a contradiction. After all, defensive measures defend. It is offensive arms that threaten.

And, let us not forget: The United States is seeking to reduce the number of offensive nuclear weapons, not maintain them at present levels.

To get a real grasp of these questions, certain paradoxes have to be understood and put in proper context. Article 51 of the United Nations Charter speaks of the inherent right of self-defence. But we have to be quite clear, for the United Nations Charter does not accord the right of self-defence. On the contrary, the Charter recognizes the right of self-defence, saying that this right is inherent and that nothing in the Charter shall impair it.

The conclusion ought to be obvious, but I shall state it anyway: The United States and its allies have an inherent right to adopt appropriate methods of defence. No one has the standing to deny this, nor can anyone else take that right away.

The inherent right of self-defence is closely associated with two fundamental principles that are enshrined in Articles 1 and 2 of the Charter. In brief, these two principles are the peaceful settlement of disputes and the non-use of force. If a nation is unwilling to set aside the possible use of force, if that same nation wants to exert pressure by holding open the possibility that it may seek to resolve a dispute by force of arms, then it may indeed have concerns about possible measures of self-defence that others may be able to employ.

(Mr. Grey, United States of America)

But the solution to all this is not to try to curtail the right of others to defend themselves if need be. No, the solution is to agree once and for all that the dispute in question will be resolved by peaceful means, and that other methods will not even be considered.

The United States has no illusion that its plans for missile defence would shield the United States, or its allies and friends, from all possible attacks involving ballistic missiles. We fully understand that these plans would be ineffective in the event of an attack involving large numbers of missiles that are technically advanced. Nevertheless, the United States Government believes that the various plans which we are considering would be constructive and helpful under certain circumstances about which we are especially concerned.

The emotional and political overtones of this debate that has gripped so many of our colleagues and counterparts throughout the world tend to imply that missile defence is something profoundly new, something rather strange. Not so. Missile defence exits and has existed for many years.

Those of us who watched hour upon hour of CNN broadcasts during the Gulf war remember that Patriot missiles were shooting down Scud missiles over Israel and Saudi Arabia. Not all the Patriots worked properly, which is to say that some of the Scuds got through and caused significant damage - yet another reason for further research.

The military forces of many countries, including those of the United States, have long had the capacity to intercept and destroy short-range and medium-range missiles in a battlefield environment. Broader capabilities do not exist now, but we believe it will be possible to develop missile defence systems that would provide substantial protection to an entire region or theatre. For example, we have taken note of the general concepts that Russia put forward concerning a missile defence system for the European region.

I have repeatedly stated here that United States plans for missile defence are not aimed at Russia, nor at China. No, we are pursuing these goals and objectives for other reasons that we have often explained.

The United States would like to build affirmative and forward-looking relations with Russia and China on political, economic, and cultural levels. The issue of missile defence should not stand in the way, an in practice we do not believe that it does.

The United States likewise does not believe that questions of missile defence or the ABM Treaty provide a valid or even a plausible reason for obstructing negotiations on a fissile material cut-off treaty.

Missile defence, as such, is not on the agenda of the Conference. Instead, political concerns about missile defence lead to procedural manoeuvres related to potential work on outer space. This has happened here in Geneva, even though questions related to outer space are broad, complex, and at a very preliminary stage in the deliberations of the international community.

(Mr. Grey, United States of America)

Proposals to negotiate a new outer space treaty cannot possibly bear fruit unless and until there is a convincing demonstration that collective security and mutual restraint in outer space can best be achieved by seeking to negotiate some new legal instrument. Such a conclusion would not even be plausible unless and until there were convincing reasons to believe that possible prohibitions or restrictions to be embedded in some new treaty would actually prove effective in practice. That, in turn, would have to be based on the conviction that there would be reliable and efficient ways to verify compliance with new obligations.

Mr. President, the United States continues to have profound doubts that discussion in any ad hoc committee with an exploratory mandate on outer space really would lead to the conclusions I have just summarized. On the other hand, we are absolutely certain about one point: such conclusions cannot possibly be reached while the Conference on Disarmament remains deadlocked and inactive.

In the context of active and ongoing negotiations on a fissile material cut-off treaty, the United States is prepared to agree to an overall work programme that calls for the establishment of an ad hoc committee on nuclear disarmament and another ad hoc committee that would conduct exploratory discussions on outer space issues.

This net approach is the fundamental premise of the proposals that Brazilian Ambassador Amorim put forward on 24 August 2000, in CD/1624, while he was serving as President to the Conference. We deeply regret that China is one of a very small number of member States that are not prepared to go forward on this basis. We once again urge these countries to reconsider, so that the Conference on Disarmament can get back to work and can fulfil the well-justified expectations of the international community.

The PRESIDENT (translated from Spanish): I thank the representative of the United States for his statement and for the kind words addressed to the Chair.

I now give the floor to the representative of India, Ambassador Rakesh Sood.

Mr. SOOD (India): Mr. President, please accept my delegations compliments on your assumption of the presidency and for the manner in which you are conducting the work of the Conference on Disarmament. I would also like to place on record our appreciation for the good work done by your predecessors, who spared no efforts in attempting to carry the work of this Conference forward. I take this opportunity to pay tribute to Ambassador Anne Anderson of Ireland and Ambassador Petko Draganov of Bulgaria, who have already left Geneva, as well as to Ambassador Vasily Sidorov of the Russian Federation, Ambassador Günther Seibert of Germany, Ambassador Ian Soutar of the United Kingdom and Ambassador Robert Grey of the United States of America, who will be leaving Geneva shortly. We will remember all of them for their valuable contributions, bringing to bear their vast and varied experiences on the work of this Conference. I would also like to take this opportunity to welcome Ambassador Gustavo Albin of Mexico, Ambassador Toufik Saloum of Syria and Ambassador Toufiq Ali of Bangladesh, who have joined us recently in our efforts to breathe life into this Conference

(Mr. Sood, India)

Despite all these collective efforts, however, we are ending another year without having undertaken any substantive work because of our inability to agree on a programme of work. All that we have to show is modest activity related to procedural matters. This is not the first time that my delegation has expressed disappointment over the state of affairs of our Conference. Nor is mine the only delegation to do so. What is worrying is that we still do not see positive signs on the horizon to dispel our growing collective pessimism. Instead, developments, as in the case of the BWC Protocol, point to tendencies that may threaten the very concept of multilateral disarmament negotiations.

The closest we have come in recent times to an agreement on a programme of work was a year ago, when the innovative work of numerous presidents culminated in the Amorim proposal of CD/1624. India was willing then and is still prepared to accept the contents of that document as a compromise that will enable us to move forward. It is not our ideal option. We would have preferred a more ambitious mandate on the priority issue of nuclear disarmament. But we recognize that, given the current international situation, this would be unrealistic, while anything less than that contained in CD/1624 would be unacceptable. That is why the Amorim proposal was widely perceived as bringing us tantalizingly close to an agreement. Regrettably, a year later, the international community has not found it feasible to adopt a decision on the basis of this compromise. Instead, all we did this year was to put substantive work on the back burner and stir the pot of reforms a little so that we do not appear to be idle.

Specifically, in agenda item 1, entitled "Cessation of the nuclear arms race and nuclear disarmament", our preferred position is the Group of 21 proposal contained in document CD/1570 for establishing an ad hoc committee on nuclear disarmament with a mandate, submitted by the Group, contained in document CD/1571 "to start negotiations on a phased programme for the complete elimination of nuclear weapons with a specified framework of time, including a nuclear weapon convention". We did, however, express our willingness to accept the compromise Amorim proposal, namely, as stated by the proposal, "to deal with nuclear disarmament" with the aim of at least beginning work on the substantive aspects of agenda item 1. Simultaneously, India reiterated its support for the establishment of an ad hoc committee to negotiate a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material.

India also supports the position taken by the Group of 21 on the establishment of an ad hoc committee on the prevention of an arms race in outer space. We hope that further consultations yield agreement on a mandate that will at least enable us to begin work on substantive aspects of this agenda item, in response to the aspirations of the international community to ensure the non-weaponization of outer space. Our approach reflects the importance we attached to the Conference on Disarmament. Other delegations, too, profess a similar sentiment.

Why then are we in this predicament today? Is the Conference on Disarmament in a state of suspended animation because there is no more need to pursue security, which is described as "an inseparable element of peace, one of the most profound aspirations of humanity"? Have we given up seeking security "through a gradual but effective process of disarmament"? Have

(Mr. Sood, India)

the "efforts of States to end the arms race" borne fruit? The answers to all of these questions are - no, no and no. Still, those are the very issues invoked in the Final Document of the Tenth Special Session of the General Assembly, when the General Assembly asserted the "continuing requirement for a single multilateral disarmament negotiating forum of limited size taking decisions on the basis of consensus". In short, the priorities and programme of action contained in the final document have not become irrelevant with passage of time or with "revolutions in military affairs".

The current impasse in efforts to establish the Conference's programme of work is caused by the inflexible positions of a few delegations that have prevented agreement from being reached on the two outstanding issues to which I have referred - nuclear disarmament and outer space. This regrettable situation has made us turn our attention to the work of the three special coordinators dealing with procedural matters. Let me therefore convey the views of my delegation on the subject being addressed by the special coordinators.

In considering the improved and effective functioning of the Conference, one issue often discussed is the possibility of altering the rule of consensus. As mentioned already, the Conference on Disarmament was established in its present form by the General Assembly at the first special session on disarmament as the sole multilateral disarmament negotiating forum for "taking decisions on the basis of consensus". Since its establishment, the Conference has generally conducted its work by consensus, which has served it well. In 1996, some delegations found the consensus rule inconvenient and bypassed the Conference on Disarmament. In hindsight, I would venture to think that there is little interest in repeating that unedifying exercise. Consensus is a critical necessity because it ensures that every member State's vital and legitimate security interests will be protected. Diluting this rule by reinterpreting it or redefining it will have an adverse impact on the confidence which the States must have in this body, and thereby on its effective functioning.

The rules of procedure of the Conference on Disarmament have not been amended often as these have generally stood the test of time. We have resumed the work of the Conference every year beginning with the approval of its agenda and its programme of work. In most years, when there was requisite political will, the agenda and the programme of work were approved early on, enabling us to begin substantive work. Difficulties have arisen in recent years, which are due not to "procedures" but to the fact that priorities and the programme of action contained in the Final Document of the first special session of the General Assembly devoted to disarmament are not being implemented and are under pressure to be revised.

The group system of the Conference on Disarmament is based on political affinities and will continue until better alternatives emerge. Issue-based grouping could be explored and nothing in the rules of procedure prevents such a group making its views known. Groupings evolve on the basis of political realities and could be formalized as these emerge in response to felt needs.

The existing rules of procedure do provide the Conference with a considerable variety of mechanisms for conducting its work by way of plenary meetings, informal meetings - with or

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without experts, and "under any additional arrangements agreed by the Conference". There is also provision to "establish subsidiary bodies, such as ad hoc committees, working groups, technical groups or groups of governmental experts". Given such flexibility in the choice of mechanisms, the rules of procedure do not stand in the way of the generous and creative use of any such mechanism, as long as there is reasonable expectation on the part of the members that it could serve some productive purpose.

In discussing the review of the agenda, the Special coordinator has focused on the role of the agenda and the content of the agenda. As the Conference on Disarmament is a negotiating forum, inclusion of an item in its annual agenda implies that the international community seeks negotiations in the Conference on Disarmament for global agreements on that item. The road map is clear. We have negotiated comprehensive, universal and non-discriminatory multilateral treaties dealing with two categories of weapons of mass destruction: biological weapons and chemical weapons. We need to adopt a similar approach to deal with nuclear weapons. Global elimination of nuclear weapons remains the highest priority for negotiations in the Conference on Disarmament. This reflects the priorities established in the Final Document of the first special session of the General Assembly devoted to disarmament, based on which the "Decalogue" was adopted by the Conference on Disarmament in 1979. It is on this basis that the Conference adopted a mandate for an ad hoc committee on FMCT, an item which does not find mention on the agenda, except as part of item 1 - "Cessation of the nuclear arms race and nuclear disarmament". Therefore, the problem is not with the content of the agenda but its implementation.

The question of expansion of the membership of the Conference is one that needs a comprehensive approach. The Final Document of the first special session of the General Assembly devoted to disarmament stated that it was deeply aware of the continuing requirement for a single disarmament negotiating forum of limited size, taking decisions on the basis of consensus. The Final Document also recognized the need for membership to be reviewed at regular intervals.

India has consistently held the view that there needs to be a balance between the criteria of membership of this Conference and its effectiveness as a negotiating forum. The representative nature of the forum has to be kept in mind, and also the need for universal adherence to the legal instruments negotiated by it; hence, the importance of striking a right balance among the different aspects and taking a comprehensive view rather than a country-specific approach. It is heartening to see the interest expressed by many countries in joining the Conference on Disarmament but at this moment our priority, including for the candidate countries, is to reactivate the Conference so that negotiations get under way

I have invoked the Final Document of the Tenth Special Session often in my statement only to demonstrate that the document that has shaped the purpose and the working of this Conference for 23 years still retains its validity in present times, if we are committed to multilateralism. Tinkering with procedural matters will not get us far in resolving the current impasse. The international disarmament agenda is in a state of flux generated by certain unilateral decisions, some bilateral adjustments and a few club-based pluralistic arrangements,

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which threaten the very edifice of multilateral negotiation process that the Conference on Disarmament stands for. We have also seen during the year a renewal of attempts to take issues away from the Conference on Disarmament, where they rightly belong, to other forums on the ground that these issues are too important to be ignored. These developments do not bode well for the Conference's future. In our view, the Conference on Disarmament is a precious resource because, even in its current situation, it offers more space than any other forum for official multilateral dialogue on issues of concern. Yet, questions are raised - for example, is the Conference on Disarmament a creature of the international security environment that awakes from its enforced hibernation only when there is adequate change in that environment? If so, then why the anxiety at being forced to remain in the passive default mode for five years now? Or is the international security situation in this post-post-cold-war phase mutating into a different ball game. Does it require a different set of rules and a different playing field? And, finally, is it not ironical that, when we accept the inevitability of the tide of globalization, the role of multilateralism in disarmament seems under threat?

In conclusion, Mr. President, let me hark back to item 2 of the agenda of the first special session of the General Assembly devoted to disarmament, which reads "Minute of silent prayer or meditation". As we reflect on these questions, perhaps it is time for us in the Conference on Disarmament to return to that agenda item, in order to impart value to this forum, to which we all attach great importance.

The PRESIDENT (translated from Spanish): I thank the representative of India for his statement and for the kind words addressed to the Chair.

Does any delegation wish to take the floor at this stage? As this appears not to be the case, that concludes our business for today. As I mentioned to you earlier, we will convene in an informal plenary meeting in 10 minutes' time, to start consideration of the draft annual report. I would like to remind delegations that informal plenary meetings are open only to member States and observer States of the Conference.

The next plenary meeting of the Conference will be held on Tuesday, 11 September 2001, at 10 a.m.

The meeting rose at 10.45 a.m.